

Application No. 10/795,901  
Filed: March 8, 2004  
TC Art Unit: 2617  
Confirmation No.: 1538

REMARKS

Please note that the Attorney Docket Number is BCGIR-010AX (formerly BCK-001.02) and use this docket number in all future correspondence.

Claims 1-46 are pending in the application and stand rejected.

Claims 1, 2, 18, 19, 26, 32, 33, 36, and 46 have been amended to clarify the intended meaning of the claim language. The amendment is supported by the text of paragraphs 0030, 0038, 0039, and 0041-0043 on pages 6, and 8-10. Claim 26 has been amended to correct a typographical error of a missing period. No new matter has been added.

I. Claim Rejections Under 35 U.S.C. § 103(a):

The Examiner has rejected claims 1-46 under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,075,982 (hereinafter Donovan) in view of US Patent No. 5,440,621 (hereinafter Castro). The Applicant respectfully traverses the rejection.

A. Claim 1

Donovan teaches a wireless prepaid platform using a signaling technique. The signaling technique involves use of a signaling message, referred to as a transaction capabilities application part message, between components to transfer information needed to process prepaid wireless calls. In addition, a prepaid routing number and a call identification number are used to route the call

-12-

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Application No. 10/795,901  
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TC Art Unit: 2617  
Confirmation No.: 1538

and retrieve information concerning the call. (Donovan, column 2, lines 23-31).

Castro teaches a method and apparatus for prepayment of telecommunication connections between first and second telecommunication devices operably associatable with the telecommunication lines of a telecommunication switching network. In general, the method involves storing data representative of a prepurchased amount of telecommunication-time available for payment of connections in the switching network. At the initiation of the first device, a connection is established between the first and second devices so that a telecommunication process can be conducted therebetween. The connection between the first and second devices is terminated in response to termination of the telecommunication process. The time duration of the connection is measured. The stored telecommunication-time data is processed to reflect a decrement in the available telecommunication-time, which is essentially equal to the measured time duration of the connection. Various embodiments of telecommunication-time metering apparatus are provided for carrying out the disclosed method. (Castro Abstract).

The combination of Donovan and Castro fails to teach the claimed steps of (i) associating a rate plan with the request, the rate plan being associated with at least two connection rates, each of the at least two connection rates defining the respective relationship between services provided by a communications service provider and the fees retained by the communications service provider in exchange therefor; (ii) computing a rate schedule based on the rate plan; and (iii)

-13-

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Application No. 10/795,901  
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TC Art Unit: 2617  
Confirmation No.: 1538

determining a duration of the communications event by comparing the rate schedule to the account balance.

The Examiner's attention is directed to the fact that the Applicant's independent claim 1 positively recites the above steps which the combination of Donovan and Castro fails to disclose as follows:

1. A method, comprising:  
    identifying an account balance  
    associated with a request for a  
    communications event,  
    associating a rate plan with the  
    request, the rate plan being associated with  
    at least two connection rates, each of the at  
    least two connection rates defining the  
    respective relationship between services  
    provided by a communications service  
    provider and the fees retained by the  
    communications service provider in exchange  
    therefor,  
    computing a rate schedule based on the  
    rate plan, and  
    determining a duration of the  
    communications event by comparing the rate  
    schedule to the account balance. (Emphasis  
    added).

The Examiner has cited the combination of Donovan and Castro as the basis for his rejection of Applicant's claims. To begin with, Donovan does not teach a rate plan or a rate schedule based on the rate plan as claimed by the Applicant. Donovan merely discusses a numbering plan as seen in Table 1 (Column 6) and Table 9 (Column 10). Donovan permits prepaid calls in a network specialized in handling wireless calls without the use of a special wireless handset or an access number. (Column 2, lines 1-

-14-

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Application No. 10/795,901

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TC Art Unit: 2617

Confirmation No.: 1538

23). The Donovan disclosure utilizes a functionality of the Signaling System 7 (SS7) for generating an "initial address message" and a "transaction capabilities application part message" to facilitate prepaid wireless call processing. (See column 2, line 37 - column 3, line 5). Regarding the charges or the rate for a call, Donovan merely discloses a calculation of tax and a confirmation whether there are sufficient funds available in the prepaid account. (See steps 418 and 430 of FIGS. 4A and 4B).

For rejecting claim 1, the Examiner has cited that the text in column 12, lines 38-51, of Donovan discloses the second step of claim 1. The Applicant respectfully points out that the text merely discloses two prepaid parameters in this regard, namely, the mobile switching center identification number and a location identifier for calculating tax. The prepaid parameters illustrated in Table 11 are only about a Temporary Local Directory Number (TLDN) and a Mobile Switching Center (MSC) Identifier (ID) to determine the appropriate rating for billing the call. The prepaid platform 116 uses the prepaid parameters, specifically the mobile identification number, the digits dialed by the caller, the subscriber serving mobile switching center 108 identifier, and the location identifier for tax calculation, to determine the cost of setting up the call. (Column 11, lines 20-24). The mobile switching center 108 is a switch which routes calls and performs call handling functions. Multiple mobile switching centers 108 are spaced geographically apart. (Column 3, lines 63-65). Evidently, "appropriate rating for billing the call" is based merely on one rate for setting up the call. Consequently, nowhere does the above text and Table 11 disclose a rate plan being associated with

-15-

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Application No. 10/795,901  
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TC Art Unit: 2617  
Confirmation No.: 1538

at least two connection rates, each of the at least two connection rates payable to a respective communications service provider.

The Examiner has cited the text in column 12, lines 38-51, column 13, lines 11-25 and 41-56, and Tables 7 and 10 as disclosing the third step of claim 1. The Applicant respectfully points out that the text and tables merely disclose prepaid parameters as discussed in the above paragraph regarding the column 12 text. The text in column 13, lines 11-25 merely describes the step 424 of FIG. 4B, namely, the prepaid platform 116 stores the prepaid parameters received in the begin type transaction capabilities application part message and sends an end type transaction capabilities application part message to the wireless enhanced service platform 112. The text in column 13, lines 41-56 merely describes the cost of setting up the call. The prepaid platform 116 compares the cost of setting up the call to the funds available in the subscriber's account to determine if there are sufficient funds to establish the call. Nowhere do the text in column 12, lines 38-51, column 13, lines 11-25 and 41-56, and Tables 7 and 10 disclose computing a rate schedule based on the rate plan, the rate plan, as discussed above, being associated with at least two connection rates, each of the at least two connection rates defining the respective relationship between services provided by a communications service provider and the fees retained by the communications service provider in exchange therefor.

The Examiner states that Donovan fails to teach (the fourth step of) determining a duration of the communications event by comparing the rate schedule to the account balance. The Examiner cites Castro as teaching that fourth step. The Applicant

-16-

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Application No. 10/795,901  
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TC Art Unit: 2617  
Confirmation No.: 1538

respectfully points out that the text in column 8, lines 7-28 of Castro merely teaches a capability of displaying the running balance of remaining prepurchased telecommunication-time available for future utilization, and the running balance of time utilized during an on-going telecommunication connection. Castro teaches that the decrementing and display functions are each performed on a continual basis so that the user can observe, at any time during an on-going telecommunication process, the remaining amount of prepurchased telecommunication-time available in the time metering device. However, as Donovan does not teach the second and third steps of claim 1, the significant gap left by Donovan is not bridged by Castro.

Consequently, the Applicant's claim 1 is patentably unobvious over Donovan in view of Castro. Therefore, the Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 2-17 depend directly or indirectly from claim 1 and recite additional features. Therefore, at least for the reasons stated above, these dependent claims are also patentably unobvious and in allowable form. The Examiner is, therefore, requested to withdraw the rejections.

B. Claim 18

Regarding the rejection of the independent claim 18, the Examiner has cited, *inter alia*, the text from column 11, lines 47-53, and reference character 110 of FIG. 2 of Donovan. The other passages of text, namely, column 12, lines 38-51 of Donovan and column 8, lines 7-28 of Castro have been discussed above by the Applicant.

-17-

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Application No. 10/795,901  
Filed: March 8, 2004  
TC Art Unit: 2617  
Confirmation No.: 1538

As discussed above, the combination of Donovan and Castro fails to teach the elements of (i) information representative of rate plans for a plurality of communications service providers, each rate plan associated with at least two connection rates, each of the at least two connection rates defining the respective relationship between services provided by a communications service provider and the fees retained by the communications service provider in exchange therefor, and (ii) at least one processor coupled to the at least one database and the at least one communications interface, to identify an account balance associated with the request, to associate a rate plan with the request, to compute a rate schedule based on the at least two connection rates from the associated rate plan, and to compare the rate schedule to the account balance to determine a duration for which an accrued cost of the communications event is approximately equal to the account balance.

The text in column 11, lines 47-53, of Donovan merely discloses a calculation of tax and a confirmation whether there are sufficient funds available in the prepaid account. (See steps 418 and 430 of FIGS. 4A and 4B). The reference character 110 (home location register) of FIG. 2 is a functional database containing subscriber profile and mobility management information as described in column 4, lines 10-12.

The text of column 12, lines 38-51, of Donovan merely teaches two prepaid parameters in this regard, namely, the mobile switching center identification number and a location identifier for calculating tax. The prepaid parameters illustrated in Table 11 are only about a Temporary Local Directory Number (TLDN) and a Mobile Switching Center (MSC) Identifier (ID) to determine the

-18-

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Application No. 10/795,901

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TC Art Unit: 2617

Confirmation No.: 1538

appropriate rating for billing the call. The prepaid platform 116 uses the prepaid parameters, specifically the mobile identification number, the digits dialed by the caller, the subscriber serving mobile switching center 108 identifier, and the location identifier for tax calculation, to determine the cost of setting up the call. (Column 11, lines 20-24). The mobile switching center 108 is a switch which routes calls and performs call handling functions. Multiple mobile switching centers 108 are spaced geographically apart. (Column 3, lines 63-65). Evidently, "appropriate rating for billing the call" is based merely on one rate for setting up the call. Consequently, nowhere does the above text and Table 11 disclose

(i) information representative of rate plans for a plurality of communications service providers, each rate plan associated with at least two connection rates, each of the at least two connection rates defining the respective relationship between services provided by a communications service provider and the fees retained by the communications service provider in exchange therefor, and

(ii) computing a rate schedule based on the at least two connection rates from the associated rate plan.

The Examiner's attention is directed to the fact that the Applicant's independent claim 18 positively recites the above elements as follows:

18. A system, comprising:  
at least one communications interface  
to receive information representative of a  
request to initiate a communications event,  
at least one database to store:

-19-

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Application No. 10/795,901

Filed: March 8, 2004

TC Art Unit: 2617

Confirmation No.: 1538

information representative of rate plans for a plurality of communications service providers, each rate plan associated with at least two connection rates, each of the at least two connection rates defining the respective relationship between services provided by a communications service provider and the fees retained by the communications service provider in exchange therefor, and

information associated with a plurality of accounts, and

at least one processor coupled to the at least one database and the at least one communications interface, to identify an account balance associated with the request, to associate a rate plan with the request, to compute a rate schedule based on the at least two connection rates from the associated rate plan, and to compare the rate schedule to the account balance to determine a duration for which an accrued cost of the communications event is approximately equal to the account balance. (Emphasis added).

The Examiner states that Donovan fails to teach the claimed element of comparing the rate schedule to the account balance. The Examiner cites Castro as teaching the element of comparing the rate schedule to the account balance. The Applicant respectfully points out that the text in column 8, lines 7-28, of Castro merely teaches a capability of displaying the running balance of remaining prepurchased telecommunication-time available for future utilization, and the running balance of time utilized during an on-going telecommunication connection. Castro teaches that the decrementing and display functions are each performed on a continual basis so that the user can observe, at any time during an on-going telecommunication process, the remaining amount of

-20-

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Application No. 10/795,901  
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Confirmation No.: 1538

prepurchased telecommunication-time available in the time metering device. However, as Donovan does not teach the novelty of information representative of rate plans for a plurality of communications service providers, each rate plan associated with at least two connection rates, each of the at least two connection rates defining the respective relationship between services provided by a communications service provider and the fees retained by the communications service provider in exchange therefor, and computing a rate schedule based on the at least two connection rates from the associated rate plan, the significant gap left by Donovan is not bridged by Castro.

Consequently, the Applicant's claim 18 is patentably unobvious over Donovan in view of Castro. Therefore, the Applicant respectfully requests that the rejection of claim 18 be withdrawn.

Claims 19-31 depend directly or indirectly from claim 18 and recite additional features. Therefore, at least for the reasons stated above, these dependent claims are also patentably unobvious and in allowable form. The Examiner is, therefore, requested to withdraw the rejections.

#### C. Claim 32

Regarding the rejection of independent claim 32, the Examiner has cited the text from column 12, lines 38-51; column 11, lines 47-53; column 13, lines 11-25 and lines 41-56; Tables 7 and 10, all of Donovan, and column 8, lines 7-28 of Castro. These passages of text and the two tables have been discussed above.

As discussed above, the combination of Donovan and Castro does not teach the novelty of (i) each of the rate plans having at

-21-

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Application No. 10/795,901

Filed: March 8, 2004

TC Art Unit: 2617

Confirmation No.: 1538

least two connection rates, each of the at least two connection rates defining the respective relationship between services provided by a communications service provider and the fees retained by the communications service provider in exchange therefor, and (ii) computing a rate schedule based on the at least two connection rates of the associated rate plan as positively claimed in claim 32.

32. A method, comprising:

storing information representative of rate plans for at least two communications service providers, each of the rate plans having at least two connection rates, each of the at least two connection rates defining the respective relationship between services provided by a communications service provider and the fees retained by the communications service provider in exchange therefor,

storing information associated with at least two user accounts,

identifying a request to initiate a communications event,

determining an account balance associated with the request,

associating a rate plan with the request,

computing a rate schedule based on the at least two connection rates of the associated rate plan, and

determining a duration of the communications event for which an accrued cost of the communications event is approximately equal to the account balance. (Emphasis added).

-22-

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Application No. 10/795,901

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TC Art Unit: 2617

Confirmation No.: 1538

The Applicant respectfully points out that the text in column 8, lines 7-28, of Castro merely teaches a capability of displaying the running balance of remaining prepurchased telecommunication-time available for future utilization, and the running balance of time utilized during an on-going telecommunication connection. Castro teaches that the decrementing and display functions are each performed on a continual basis so that the user can observe, at any time during an on-going telecommunication process, the remaining amount of prepurchased telecommunication-time available in the time metering device. However, as Donovan does not teach the two steps as described above, the significant gap left by Donovan is not bridged by Castro. Therefore, claim 32 is patentably unobvious over Donovan in view of Castro. Accordingly, the Applicant respectfully requests that the rejection of claim 32 be withdrawn.

Claims 33-45 depend directly or indirectly from claim 32 and recite additional features. Therefore, at least for the reasons stated above, these dependent claims are also patentably unobvious and in allowable form. The Examiner is, therefore, requested to withdraw the rejections.

Claim 46 is an additional independent claim based on patentably unobvious features as discussed above. Accordingly, the Examiner is respectfully requested to allow claim 46 as well.

## II. Examiner's Response to Amendments and Remarks:

The Examiner has considered "prepaid parameter" as disclosing "rate" (part paragraph at the top of page 10 of the final Office Action) as recited in claim 1 contained in the Applicant's

-23-

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Application No. 10/795,901  
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TC Art Unit: 2617  
Confirmation No.: 1538

response to the previous (non-final) Office Action. However, in view of the currently amended claims 1, 18, 32, and 46, the Examiner's comments are moot.

In order to further clarify, Applicant respectfully submits that Table 7 of Donovan discloses "Actual Data Field" to include "estimated call charge." The text from columns 12 and 13 and Tables 7 and 10 the Examiner has cited in the final Office Action, as also done in the first Office Action, merely discloses (i) MSCID (Mobile Switching Center ID) to determine the appropriate rating for billing of the call and (ii) Location ID to determine tax information. Table 11 describes the prepaid parameters. (Column 12). The prepaid platform 116 uses the prepaid parameters, specifically the mobile identification number, the digits dialed by the caller, the subscriber serving mobile switching center 108 identifier, and the location identifier for tax calculation, to determine the cost of setting up the call. (Column 11, lines 20-24). The mobile switching center 108 is a switch which routes calls and performs call handling functions. Multiple mobile switching centers 108 are spaced geographically apart. (Column 3, lines 63-65). These prepaid parameters are described also in column 9, lines 23-41, and Table 8 and that description is completely devoid of a rate plan being associated with at least connection two rates, each of the at least two connection rates defining the respective relationship between services provided by a communications service provider and the fees retained by the communications service provider in exchange therefor. Further, as is well known in the art as well as in commerce, a fee for service, calculated using a connection rate, is payable to a communications service provider (paragraphs 0038

-24-

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Application No. 10/795,901

Filed: March 8, 2004

TC Art Unit: 2617

Confirmation No.: 1538

and 0039) and a government-mandated tax, payable to a government or a government agency, is not a rate as is clearly distinguished in the specification paragraphs 0046 through 0049 including the associated equations.

Therefore, claims 1, 18, 32, and 46 are patentably unobvious over Donovan in view of Castro. Thus the Examiner is respectfully requested to allow claims 1-46 at least for the reasons discussed above.

-25-

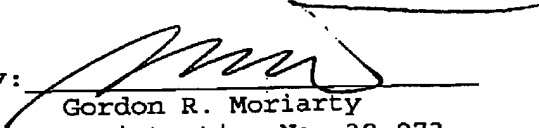
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Application No. 10/795,901  
Filed: March 8, 2004  
TC Art Unit: 2617  
Confirmation No.: 1538

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter which would expedite allowance of the present application.

Respectfully submitted,

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-26-

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